

ATTACHMENT F



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
STATE BOARD OF EDUCATION
PUBLIC SCHOOL SYSTEM
P.O. BOX 501370 CK
SAIPAN, MP 96950



Hopwood Jr. High School

January 11, 2005

TO: Lisa Black
FROM: Jim Brewer, Acting Principal
Subject: FORMAL REPRIMAND

You are being formally reprimanded for behavior unbecoming a professional teacher. On December 21, 2005, you interrupted another teacher's class during instructional time for the purpose of handing out your grades. During that time you had a conversation with a student wherein you intimated that his mother was afraid to send him to your class. You did this in front of the entire class and the other teacher causing great embarrassment to the student tantamount to psychological harm.

An added concern is this incident occurred during a time when you were scheduled to provide substitution coverage for an absent teacher. The substitution schedule had been posted and otherwise provided to you several times. An LMA teacher had to cover your absence. This behavior had a negative impact on campus harmony. Vice-Principal Gagaring instructed you to provide an explanation of your absence before you left campus on 12-22-04 and you failed to do so, which is insubordinate behavior.

You may want to review the Regulations for the Public School System Employment of Certified Personnel, Chapter 3. You are hereby instructed to refrain from inflicting any harm to students, to follow work/substitution schedules and to follow instructions from all administrative staff. You are further instructed not to discuss the student issue with Mrs. Nepaial without the concurrence of PSS Legal given directly to her through me.

Any written response to this reprimand will be placed in your personnel file in the Human Resources Office at PSS Central Office. This formal reprimand does not constitute discipline and there is no appeal process. If you need clarification on the issue concerning the student, see me. Other concerns can be discussed with your immediate supervisor, V-P Nepaial or me. Your signature indicates receipt of the original of this letter of reprimand.

Jim Brewer, Acting Principal

Lisa Black

Date

... Home of the Hilita; ...
"We Make Everyday the Best!"

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Memorandum

To: Charley Kenty, PSS Human Resources
 From: Ms. Black, HJHS Life Skills Teacher
 Date: 04/20/05
 Re.: Formal Reprimand dated 01/11/05

Dear Mr. Kenty,

Some time ago, I spoke with you about my concern over the validity of this reprimand from Mr. Brewer. Please accept the following comments as my response to this reprimand:

- I was formally reprimanded for, "... behavior unbecoming a professional teacher." The statement goes on to say I "... interrupted another teacher's class during instructional time for the purpose of handing out grades." Both of these statements are incorrect. I did not interrupt the class during instructional time. I came to the class at 2:40 and knocked on the door. A student opened the door, and all students were in the classroom with their backpacks on ready to go home. Ms. Manahane told me it would be no problem to hand out the students' exam grades. (We had taken the exam that morning, and students were asking to know their grades). This fact also negates the reprimand of "... unbecoming a professional teacher". I was trying to accommodate a request made by the students, which was to see their exam grades before break.
- The reprimand states, "... you had a conversation with a student wherein you intimated that his mother was afraid to send him to your class. You did this in front of the entire class and the other teacher causing great embarrassment to the student tantamount to psychological harm." Unfortunately, this information is very vague as to the true situation.
 - Earlier in the day, as I've stated, this class had their exam with me. Sam Nepaial was a new student who was scheduled to come to my class that day. We had discussed this in the previous Team C meeting. I had several things planned for Sam to work on while his classmates were taking their exams, but he didn't come to class. I thought maybe his mother, VP Beth Nepaial, had chosen to have him stay home that day.
 - When I got to Ms. Manahane's class later in the day, I was surprised to see Sam in there. (I recognized Sam as I've known him since he was about 4 years old). When I saw him, I said, "Hey Sam! How's everything going?" He responded that things were good, then I remembered he had missed my class that day. I said to him, "Hey, Sam, your class came to my class this morning. Did you come late to school?" He responded that he hadn't.
 - I asked him why he missed my class, and he told me his mother told him not to go to my class, but to go to the library instead. That seemed odd, and I asked him if he knew why she had told him not to come to my class. He said he didn't know, and I joked with him saying, "That's weird. I wonder why she pulled you from my class. She's not afraid to send you to my class is she?" We laughed, and he responded that no, he didn't think so. I said, "You're not afraid of me, are you Sam?" and he laughed and said he wasn't. As I've known Sam for so many years, I didn't consider this joking around to be offensive or out of line. He was laughing quite a bit, and said good-bye to me when I left, just as the other students did. It did not appear to me that Sam was embarrassed or "psychologically harmed" in any way.
 - Because I was prepared for Sam to come to my class, and he didn't come because either the Vice Principal or his mother, (I'm not sure which), told him not to, I felt it was important to

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me how her students had been. I looked at her surprised and asked her what she meant. She asked if I had substituted, and I replied that I hadn't. I wasn't aware I was supposed to. (Witness: Mrs. Gagaring and a couple of other teachers from Team A).

As I reminded Mr. Brewer, he had been very clear in the staff meeting that we would not be substituting for another team. Had Ms. Nepaisl followed through on telling me I had to substitute for another team, this would not have been a problem. Their miscommunication should not be my responsibility. Also, I know many teachers who missed their substitution assignments this year but were not disciplined in any way.

My hope is equal treatment among all staff members and the true facts of this reprimand to be investigated, as there are many witnesses to the incidents which have occurred.

Sincerely;

*Copy
J. Black
04/24/05*
Lisa Black

cc.: James Brewer, HJHS Acting Principal
PSS Legal Counsel

ATTACHMENT H

February 14, 2005

TO: Lisa Black
FROM: Jim Brewer, Acting Principal
Subject: **FORMAL REPRIMAND**

On January 11, 2005 you were reprimanded for four different issues, one of which was interrupting a classroom during instructional time.

On February 9, 2005 you admitted that you had once again interrupted a classroom during instructional time. This incident occurred on February 8 in Mrs. Grayer's classroom (C-3) at approximately 2:25PM.

You are being reprimanded for this second incident of interrupting a class for personal reasons. You are also being reprimanded for disobeying a direct instruction, from me, that you refrain from interrupting classrooms for personal reasons. This constitutes insubordination.

Any further interruption of class(es) during instructional time for personal reasons will be cause for formal discipline up to and including dismissal from employment.

Any written response to this reprimand will be placed in your personnel file in the Human Resources Office at PSS Central Office. This formal reprimand does not constitute discipline and there is no appeal process. If you need clarification on this issue please address them to your immediate supervisor, V-P Nepaial or me. Your signature indicates receipt of the original of this letter of reprimand.

Jim Brewer

Lisa Black

Date: _____

CC: HRO, Legal

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ATTACHMENT I

Memorandum

To: Charley Kenty, PSS Human Resources
From: Ms. Black, HJHS Life Skills Teacher
Date: 04/20/05
Re: Formal Reprimand dated 02/14/05

Dear Mr. Kenty,

On February 14, 2005, I received a formal reprimand from Mr. Brewer. The reprimand was for "... interrupting a class for personal reasons". This is an incorrect statement. On February 8th, I was pulled into the office because Mr. Brewer said two people had filed grievances against me for creating a "hostile environment" at a staff meeting.

One person was Rory Starkey, who was reacting to me asking him not to talk about me or make disparaging remarks behind my back. The second person was supposedly Mrs. Grayer, but it turns out she did NOT file a grievance. The reason I spoke with Mrs. Grayer was to ask her what involvement she had and whether I had offended her, as we are friends. When I went to her class, her students were involved in various projects and she was at her desk. She told me I was not interrupting anything, and also told me that Rory had asked her to file the grievance with him. She told him she hadn't even heard me or what I'd said. As you can see, this was not for "personal reasons". I spoke with Mrs. Grayer as a colleague about a staff meeting.

As far as being reprimanded for "... disobeying a direct instruction" from Mr. Brewer, he continues to be very vague about his instructions in reference to interrupting a classroom. First, in a previous meeting, I asked for a clarification. (Referring to the reprimand from January). I asked him if anyone is ever allowed to interrupt a class, explaining to him that my class is always interrupted. He said it was up to the teacher to allow someone to interrupt or not. I also asked if this was a "directive" for all staff members, and if it was, where is it documented to help me get a clarification. He told me not to worry about everyone else. I explained to him that my class is always being interrupted and that it is a problem. (See attached 'Class Interruptions' document). He told me that he would reprimand others who violated this school rule. (Witnesses to conversation: Ms. Brel and Mr. Gagaring).

Once again, I feel I am being treated uniquely and unfairly. I continue to receive "direct instruction" from Mr. Brewer that is separate from the rules others are asked to abide by. My hope, again, is equal treatment among all staff members and the true facts of this reprimand to be investigated, as there are many witnesses to the incidents which have occurred.

Sincerely,

Lisa Black

*Copy
dBlack
04/20/05*

cc.: James Brewer, HJHS Acting Principal
PSS Legal Counsel
Attachment: "Class Interruptions" document

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ATTACHMENT J

CNMI PUBLIC SCHOOL SYSTEM
PERFORMANCE APPRAISAL INSTRUMENTCLASSROOM TEACHERName: Lisa Black School: UJHS

Review Period: From _____ To _____

School Year: 04/05 Grade/Subject: STW & TEELS / 7TH

INSTRUCTIONS:

1. Based on the evidence from observations and discussions, the evaluator is to rate the Teacher's performance with respect to the eight (8) major functions of teaching.
2. The evaluator shall add pertinent comments at the end of each major function.
3. The teacher is provided an opportunity to react to the evaluator's ratings and comments.
4. The evaluator and the Teacher must discuss the results of the appraisal and any recommended action pertinent to it.
The Teacher and the evaluator must sign the instrument in the assigned spaces.
6. The original instrument must be filed in the Teacher's personnel file.
7. The Evaluator must complete the Teacher Observation Report prior to conducting the performance appraisal of the Teacher.
8. MARGINAL rating on any function area constitutes failure of the teacher to meet the core competencies of teaching. The evaluator shall develop the necessary improvement plan correcting the specific weakness(es) and lead the Teacher to the desired expectation. UNSATISFACTORY rating on any function area means the Teacher failed to meet the core competencies of teaching. The evaluator shall recommend for the non-renewal of the Teacher's contract or termination.
9. The following is the rating scale to be used. (See Exhibit 1 on page 8 for definition of scale)

(1) Unsatisfactory

(2) Marginal

(3) Satisfactory

(4) Above Satisfactory

(5) Well Above Satisfactory

(6) Superior

MAJOR FUNCTIONS1. DESIGNS AND PLANS INSTRUCTION:

The teacher designs and plans instruction and learning climates that develop student abilities to use communication skills, apply core concepts, become self-sufficient individuals, become responsible team members, think and solve problems, and integrate knowledge.

Rating	1	2	3	4	5	6
					✓	

- 1.1. Teacher has materials, supplies and equipment ready at the start of the lesson or instructional activity.
- 1.2 Teacher gets the class started quickly.
- 1.3 Teacher gets students on task quickly at the beginning of each lesson or instructional activity.
- 1.4 Teacher maintains a high level of student time-on-task.

COMMENTS:

2. CREATES AND MAINTAINS CLIMATES:

The teacher creates a learning climate that supports the development of student abilities to use communication skills, apply core concepts, become self-sufficient individuals, become responsible team members, think and solve problems, and integrate knowledge.

Rating	1	2	3	4	5	6
		✓				

- 2.1 Teacher has established a set of rules and procedures that govern the handling of routine administrative matters.
- 2.2 Teacher has established a set of rules and procedures that govern student verbal participation and talk during different types of activities-whole class instruction, small group instruction, one-to-one instruction, etc.
- 2.3 Teacher has established a set of rules and procedures that govern student movement in the classroom during different types of instructional activities.

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- 2.4 Teacher frequently monitors the behavior of all students during whole class, small group, and seat work activities and during transitions between instructional activities.
- 2.5 Teacher stops inappropriate behavior promptly and consistently, yet maintains the dignity of the student.

COMMENTS:

3. IMPLEMENTS AND MANAGES INSTRUCTIONS:

The teacher introduces, implements, and manages instructions that develop student abilities to use communication skills, apply core concepts, become self-sufficient individuals, become responsible team members, think and solve problems, and integrate knowledge

Rating	1	2	3	4	5	6
					✓	

- 3.1 Teacher begins lesson or instructional activity with a review of previous material.
- Teacher introduces the lesson or instructional activity and specifies learning objectives when appropriate.
- 3.3 Teacher speaks fluently and precisely.
- 3.4 Teacher presents the lesson or instructional activity using concepts and language understandable to the students.
- 3.5 Teacher provides relevant examples and demonstrations to illustrate concepts and skills.
- 3.6 Teacher assigns tasks that students handle with a high rate of success.
- 3.7 Teacher asks appropriate levels of questions that students handle with a high rate of success.
- 3.8 Teacher conducts lesson or instructional activity at a brisk pace, slowing presentations when necessary for student understanding but avoiding unnecessary slowdowns.
- 3.9 Teacher makes transitions between lessons and between instructional activities within lessons efficiently and smoothly.
- 3.10 Teacher makes sure that the assignment is clear.

- 3.11 Teacher summarizes the main point(s) of the lesson at the end of the lesson or instructional activity.

COMMENTS:

4. REFLECTS AND EVALUATES TEACHING AND LEARNING:

The teacher reflects on and evaluates specific teaching and learning situations and programs.

Rating	1	2	3	4	5	6
					✓	

- 4.1 Teacher maintains clear, firm and reasonable work standards and due dates.
- 4.2 Teacher circulates during class work to check all students' performance.
- 4.3 Teacher routinely uses oral, written, and other work products to check student progress.
- 4.4 Teacher poses questions clearly and one at a time.

COMMENTS:

5. ASSESSES AND COMMUNICATES LEARNING RESULTS:

The teacher assesses learning and communicates results to students and others with respect to student abilities to use communication skills, apply core concepts, become self-sufficient individuals, become responsible team members, think and solve problems, and integrate knowledge

Rating	1	2	3	4	5	6
					✓	

- 5.1 Teacher provides feedback on the correctness or incorrectness of in class work to encourage student growth.
- 5.2 Teacher regularly provides prompt feedback on assigned out-of-class work.
- 5.3 Teacher affirms a correct oral response appropriately, and moves on.

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- 4 Teacher provides sustaining feedback after an incorrect response or no response by probing, repeating the question, giving a clue, or allowing more time.

COMMENTS:

6. **COLLABORATES WITH COLLEAGUES, PARENTS, AND OTHERS:**

The teacher collaborates with colleagues, parents, and other community agencies to design, implement, and support learning programs that develop student abilities to use communication skills, apply core concepts, become self-sufficient individuals, become responsible team members, think and solve problems, and integrate knowledge.

Rating	1	2	3	4	5	6
		✓				

- 6.1 Teacher has an instructional plan, which is compatible with the school and system-wide curricular goals.
- 6.2 Teacher uses diagnostic information obtained from tests and other assessment procedures to develop and revise objectives and/or tasks.
- 6.3 Teacher maintains accurate records to document student performances.
- 6.4 Teacher has instructional plan that matches/aligns objectives, learning strategies, assessment and student needs at the appropriate level of difficulty.
- 6.5 Teacher uses available human and material resources to support the instructional program.
- 6.6 Teacher treats all students in a fair, consistent and equitable manner.
- 5.7 Teacher interacts effectively with students, co-workers, parents, and community.
- 5.8 Teacher carries out non-instructional duties as assigned and/or as need is perceived.

COMMENTS:

7. ENGAGES IN PROFESSIONAL DEVELOPMENT:

The teacher evaluates his/her overall performance with respect to modeling and teaching PSS's learning goals established for the grade level, refines the skills and processes necessary, and implements a professional development plan.

Rating	1	2	3	4	5	6
			✓			

7.1 Teacher follows a plan for professional development and demonstrates evidence of growth.

COMMENTS:

8. CONTENT KNOWLEDGE:

The teacher demonstrates a current and sufficient academic knowledge of core competency, content areas (section 3401 of the Regulations for PSS Employment of Certified Personnel) to develop students' knowledge and performance in those areas.

Rating	1	2	3	4	5	6
			✓			

8.1 Teacher adheres to established laws, BOE policies, rules and regulations and policies derived at the school level.

COMMENTS:

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SUMMARY COMMENTS

Overall Performance Rating	1	2	3	4	5	6
			3.5			

Evaluator's Summary Comments: Mrs. Black, thank you for your excellent lesson planning & record keeping of student progress. Please continue to grow professionally in the areas of student discipline and collegiality.

Teacher's Reaction to Evaluation:

Nepmal
Evaluator's Name/Signature

VP C&I
Title

4/14/05
Date

Teacher's Signature

Date

Signature indicates that the written evaluation has been reviewed and discussed, and the Teacher received a copy of the evaluation.

EXHIBIT 1 – Definition of Rating Scale**LEVELS OF PERFORMANCE****6. ⁱ_u SUPERIOR**

Performance within this function area is consistently outstanding. Teaching practices are demonstrated at the highest level of performance. Teacher continuously seeks to expand scope of competencies and constantly undertakes additional, appropriate responsibilities.

5. WELL ABOVE SATISFACTORY

Performance within this function area is frequently outstanding. Some teaching practices are demonstrated at the highest level while others are at a consistently high level. Teacher frequently seeks to expand scope of competencies and often undertakes additional, appropriate responsibilities.

4. ABOVE SATISFACTORY

Performance within this function area is frequently high. Some teaching practices are demonstrated at a high level while others are at a consistently adequate/acceptable level. Teacher sometimes seeks to expand scope of competencies and occasionally undertakes additional, appropriate responsibilities.

3. SATISFACTORY

Performance within this function area is consistently adequate/acceptable. Teaching practices fully meet all performance expectations at an acceptable level. Teacher maintains an adequate scope of competencies, and performs additional responsibilities as assigned.

2. MARGINAL

Performance within this function area is sometimes inadequate/unacceptable and needs improvement. Teacher requires supervision and assistance to maintain an adequate scope of competencies, and sometimes fails to perform additional responsibilities as assigned.

1. UNSATISFACTORY

Performance within this function area is consistently inadequate/unacceptable and most practices require considerable improvement to fully meet minimum performance expectations. Teacher requires close and frequent supervision in the performance of all responsibilities.

Memorandum

ATTACHMENT K

To: Mr. Brewer, HJHS Acting Principal
From: Ms. Black, Team B Teacher
Date: April 18, 2005
Re.: Performance Evaluation

Dear Mr. Brewer,

This morning, I was given a "Performance Appraisal" from you. The appraisal is for the period School Year 04/05. This appraisal is invalid due to the fact that Ms. Nepaial is the "Evaluator", yet she admits she has never observed me in the classroom all year to evaluate me, and she has never attended a team meeting when I have been present for either Vocational Education or my Cohort teams.

According to the CNMI PSS Performance Appraisal Instrument, the following are the instructions for the completion of the evaluation:

- #1 states, "Based on the evidence from observations and discussions, the evaluator is to rate the Teacher's performance with respect to the eight (8) major functions of teaching." This was not done, as my observations were both done by you, the acting principal. Both of those evaluations received the highest scores possible in every area, which was a "4". You even added several "4 +" which I assume goes beyond excellent. Ms. Nepaial has never been in my class, as stated earlier, and never been involved in any discussions of my evaluations with me.
- #2 states, "The evaluator shall add pertinent comments at the end of each major function". This was not done on all of the major functions. It was not done on any of the major functions as a matter of fact. The only comments were added at the end of the "evaluation" under "Summary Comments".
- #3 states, "The teacher is provided an opportunity to react to the evaluator's ratings and comments". I was given some opportunity to comment on the ratings this morning, although I was cut off on a few occasions by you when I asked what the evaluation was based on and questioned the validity of an evaluation by a person who had never seen me teach nor been in any team meetings.
- #4 states, "The evaluator and the teacher must discuss the results of the appraisal and any recommended action pertinent to it." The evaluator, Ms. Nepaial, did not discuss any of her "results" with me. She answered a question I asked, which asked how she could evaluate me if she had never been in my class. She said her evaluation was based on some "meetings" we had had. The only meetings she was involved in were those of a "disciplinary" nature with me and are obviously not a true appraisal tool.
- #7 states, "The evaluator must complete the Teacher Observation Report prior to conducting the performance appraisal of the teacher". Again, she never did any observations.

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- #8 states, "Marginal rating on any function area constitutes failure of the teacher to meet the core competencies of teaching. The evaluator shall develop the necessary improvement plan correcting the specific weakness(es) and lead the teacher to the desired expectation". No improvement plan was discussed with me or given to me.

Once again, it is obvious that you and Ms. Nepial continue to treat me differently than other staff members in an attempt to discredit me for ever disagreeing with you and issues you believe I was responsible for, which I had no part of. (ie.: Letter of Concern from staff that you continue to insist I wrote). It is very unfortunate that you continue on this path when you have no facts or basis for the things you believe. It is also unfortunate that you have brought your bias and personal conflicts into the situation and are using your "administration" status to undermine a good teacher. (Fantastic and exceptional are two words you, personally, have used in describing my teaching ability!).

To say that you are evaluating an individual, yet are never physically present to do an observation is beyond my scope of comprehension and professional behavior. Can you imagine if I evaluated a student and gave them a grade, yet they were never in my class and no communication took place? This is a good analogy to what is taking place with my evaluation.

I request that a true evaluation be done in an unbiased manner by an administrator, (Mr. Gagaring), and submitted to Human Resources. Thank you.

Sincerely,



Lisa Black

cc.: Charley Kenty, PSS Human Resources